



Approved October 19, 2005

**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
SEPTEMBER 28, 2005**

REGULAR MEETING MINUTES

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice-Chairman
David Barnett, Commissioner
Eric Hess, Commissioner (left at 9:01 p.m.)
James Heitel, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

STAFF PRESENT: Donna Bronski
Randy Grant
Mac Cummins
Tim Curtis
Lusia Galav
Mary O'Connor
Al Ward
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:07 p.m.

MINUTES REVIEW AND APPROVAL

1. September 14, 2005 (including Study Session)

APPROVED

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 14, 2005 MEETING, INCLUDING THE STUDY SESSION. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT AND CARRIED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).

CONTINUANCES

2. 6-BA-2005 (Pinnacle Peak Place)
3. 7-AB-2005 (Pinnacle Peak Place)

COMMISSIONER HEITEL MADE A MOTION TO CONTINUE ITEMS 6-AB-2005 AND 7-AB-2005 (PINNACLE PEAK PLACE) TO THE OCTOBER 19TH, 2005 MEETING. COMMISSIONER HESS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).

COMMISSIONER BARNETT MADE A MOTION TO CONTINUE ITEM 9-AB-2005 (MILLER PROPERTY), TO THE OCTOBER 26TH, 2005 PLANNING COMMISSION MEETING; 28-UP-2004 (NEXT BAR & NIGHTCLUB), TO A DATE TO BE DETERMINED; 16-ZN-2005 (EQUESTRIA VILLAS), TO A DATE TO BE DETERMINED; AND 13-ZN-2005 (WINSTAR PRO) TO A DATE TO BE DETERMINED. THE MOTION WAS SECONDED BY COMMISSIONER SCHWARTZ, AND CARRIED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).

COMMISSIONER SCHWARTZ MADE A MOTION TO CONTINUE CASE 20-ZN-2005 (WINDMILL PASS) TO THE OCTOBER 26, 2005 HEARING. COMMISSIONER BARNETT SECONDED THE MOTION, WHICH CARRIED WITH A VOTE OF 6 (SIX) TO 0 (ZERO). COMMISSIONER HESS RECUSED.

EXPEDITED AGENGA

4. 9-UP-2005 (Drinx)
5. 9-AB-2005 (Miller Property)

Chairman Gulino noted that this item has been continued to October 26, 2005. He noted that three citizens had requested to address the Commission and asked they return on October 26.

Ms. Bronski advised the Commission that Mr. Spiro had asked to address the meeting this evening. Chairman Gulino invited him to speak. Mr. Cummins briefly described the application. Mr. Spiro presented slides of

the subject area and the proposed circulation plan. He spoke against abandonment.

6. 12-ZN-2005 (First Baptist Church of Scottsdale)

COMMISSIONER BARNETT MADE A MOTION TO APPROVE 9-UP-2005 (DRINX), ASSUMING IT MEETS THE CONDITIONAL USE PERMIT CRITERIA, 12-ZN-2005 (FIRST BAPTIST CHURCH OF SCOTTSDALE), 8-GP-2005 (PARCEL M AND O AT TROON) AND 17-ZN-2005 (PARCEL M AND O AT TROON). THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).

COMMISSIONER BARNETT MADE A MOTION TO APPROVE 5-GP-2005 AND 14-ZN-2005 (CAMBERLANGO PROPERTIES, INC.). THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED WITH A VOTE OF 6 (SIX) TO 0 (ZERO). COMMISSIONER SCHWARTZ RECUSED.

REGULAR AGENDA

7. 28-UP-2004 (Next Bar & Nightclub)

Chairman Gulino noted this item has been continued to a future date, pursuant to a previous motion.

8. 7-GP-2005 (Silverstone)

Mr. Curtis presented the case per the staff packet, noting that the request is to change the General Plan from cultural/institutional or public land use designation to a mixed-use land use designation. The Applicant proposes a planned community development and has submitted a rezoning application to the planned community district.

Mr. John Berry addressed the Commission on behalf of the Applicant, regarding the proposal. Highlights of the presentation included an outline of the history of the plans for the property and the site plan modifications. He addressed concerns expressed during public outreach, traffic impacts and reported positive feedback received from community groups.

Commissioner Barnett asked about ESLO heights relative to the project, and the heights in Phoenix. He asked how the wash is going to be maintained. Mr. John Berry replied that parts of the stacked forties are 60 feet high. There is a need for higher buildings for the senior living community and the Classic Residences by Hyatt. He added that the site changes grade by 80 feet, which mitigates the impact of higher buildings.

The buildings planned in Phoenix will have minimum heights of 56 feet across the street to the west. The intent is to develop the wash similar to Indian Bend Wash, but without grass. The property owners association will have the obligation of maintaining the wash.

In response to inquiry by Commissioner Heitel regarding property uses under the current General Plan designation, Mr. John Berry explained that the current zoning is Western theme park, which would allow exponentially greater development on the property.

Vice-Chairman Steinberg requested clarification of the village-like atmosphere. Mr. John Berry explained that there will be a mix of uses with strong pedestrian connectivity. Alternative modes of transportation will be encouraged.

Mr. Meyers addressed the Commission, opining that the proposed development is too intense for the neighborhood and other zoning classifications would make more sense. The road needs to be widened to accommodate current traffic. It would be appropriate to have some commercial development and the assisted living facility, but building homes for 3,000 residents is not an appropriate use.

Mr. Vairo spoke on behalf of the Coalition of Pinnacle Peak, who has been working with the Applicant for several months. The Coalition is not opposed to the General Plan amendment, however they are not happy with the current site plan. The Coalition is concerned with the balance of mixed use on the site and transportation factors.

Mr. Richman stated that the Applicant has made a significant change by reducing the commercial and residential density and opined that the developer should pay for infrastructure improvements, building and furnishing of the library.

Ms. Weller expressed appreciation for the way the developer has communicated with neighbors. She is concerned about traffic issues. She is not opposed to the project.

Mr. John Berry noted the neighborhood had grown up around Rawhide. The development has to be in response to what is already around the land. He discussed trip generation, claiming that office and retail property generates significantly more trips.

Commissioner Steinke noted that the geographic location of the site makes it unlikely that the land to the north will remain rural in the future. He applauded Councilman Ecton's efforts to obtain a regional approach to

traffic problems. Increasing population brings greater density. He is in support of mixed-use neighborhoods.

Chairman Gulino expressed support for the General Plan amendment request, stating that the proposed development is a good use for this site. He encouraged the Applicant to continue working with the neighbors.

VICE-CHAIRMAN STEINBERG MADE A MOTION TO APPROVE SILVERSTONE, 7-GP- 2005. COMMISSIONER SCHWARTZ SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).

9. 5-GP-2005 (Camberlango Properties, Inc.)

Chairman Gulino noted that this item was moved to the expedited agenda.

10. 14-ZN-2005 (Camberlango Properties, Inc.)

Chairman Gulino noted that this item was moved to the expedited agenda. Due to a minor revision to the site plan, as set forth in a memo to the Planning Commission dated September 28, 2005, Mr. John Berry asked for a revised motion on this matter. Concurring with the Applicant, Ms. Bronski addressed the Commission regarding procedural issues.

COMMISSIONER HEITEL MADE A MOTION TO RECONSIDER 14-ZN-2005 (CAMBERLANGO PROPERTIES, INC.). THE MOTION WAS SECONDED BY COMMISSIONER HESS AND CARRIED WITH A VOTE OF 6 (SIX) TO 0 (ZERO). COMMISSIONER SCHWARTZ RECUSED.

COMMISSIONER HEITEL MADE A MOTION TO APPROVE 14-ZN-2005 (CAMBERLANGO PROPERTIES, INC.), WITH THE REVISED SITE PLAN DISTRIBUTED WITH THE PACKET THAT DAY. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT AND CARRIED WITH A VOTE OF 6 (SIX) TO 0 (ZERO). COMMISSIONER SCHWARTZ RECUSED.

11. 8-GP-2005 (Parcel M and O at Troon)

Chairman Gulino noted that this item was moved to the expedited agenda.

12. 17-ZN-2005 (Parcel M and O at Troon)

Chairman Gulino noted that this item was moved to the expedited agenda.

13. 10-GP-2005 (Equestria Villas)

Mr. Ward presented the case per the staff packet. The proposal is to amend the General Plan from cultural/institutional and public use to urban neighborhoods. He noted that one of the issues is the proximity to WestWorld and concerns have been expressed relating to views, noise, lighting and odors. Staff recommends approval of the General Plan request.

Vice-Chairman Steinberg asked about the canal trail design. Mr. Grant indicated that staff would not support the Applicant's representation of the change to the Verde Canal.

Commission Schwartz asked Mr. Grant what staff had done to determine that this property might not have some benefit to the future growth of WestWorld. Mr. Grant stated that staff's evaluation was based on the relevancy and appropriateness of the request as opposed to impacts by an future growth.

Commissioner Heitel inquired as to a disclosure statement; a recorded document that passes with title so that future purchasers would be aware of the proximity of WestWorld. Mr. Grant agreed that there should be some formal representation. Commissioner Heitel indicated that this issue would be discussed in greater depth at the zoning hearing.

Ms. Bitter-Smith addressed the Commission on behalf of the Thomas Trust, the property owners. She noted the continuance of 16-ZN-2005, reporting that neighbors are happy that a residential use is proposed for the site, as opposed to an extension of WestWorld or industrial uses. The Applicant will work with City Attorney on wording of notification for potential buyers. The site is intended to be owner-occupied.

Ms. McCammon addressed the Commission on behalf of on behalf of the community group, expressing support for the residential General Plan change as well as opposition to the height in the proposal.

Commissioner Barnett asked whether the 36-foot height requested in the zoning application was available for ESLO property. Mr. Grant replied that the R-1 zoned land is restricted to 24 feet. Other zoning designations would have the ability to develop to the underlying district.

Mr. Hrenchir, President of the Homeowners Association for Horseman's Park, addressed the meeting. The Association supports the General Plan change in that area but requests that density be limited to no more than two storeys tall and a maximum of 10 to 12 units per acre. The

Association is opposed to additional rental housing in the neighborhood because of the increase in density and expressed traffic concerns.

Chairman Gulino asked staff about the packet they had received, noting that some documents relate to the zoning case, which was continued after being placed on the regular agenda. Ms. Galav confirmed that the stipulations are attached to the zoning cases and are not part of the General Plan amendments; Council would decide on these amendments without the stipulations.

Ms. Bitter-Smith stated the Applicant clearly understands more work is required on plans for the canal and the site. They will continue working on plans with the neighborhood.

In response to inquiries by Commissioner Barnett regarding the building heights and ingress/egress to the site, Ms. Bitter-Smith indicated that those matters are still under discussion.

Commissioner Schwartz expressed concern about WestWorld and opined that there are better uses for the site. This development would preclude auxiliary uses needed for the future development of WestWorld. He is not in favor of this proposal.

Chairman Gulino expressed support for the General Plan change, noting the importance that the site plan preserve the integrity of the canal.

COMMISSIONER BARNETT MADE A MOTION TO APPROVE 10-GP-2005, AS IT IS STIPULATED IN THE STAFF PACKET. COMMISSIONER HESS SECONDED THE MOTION. THE MOTION CARRIED WITH A VOTE OF 6 (SIX) TO 1 (ONE). COMMISSIONER SCHWARTZ DISSENTED.

14. 16-ZN-2005 (Equestria Villas

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Chairman Gulino noted this item has been continued to a future date, pursuant to a previous motion.

15. 12-GP-2005 (Winstar Pro)

Chairman Gulino requested confirmation that if any of the General Plan amendments are sent to City Council for approval, the zoning of the subject properties remains unchanged. Mr. Grant confirmed that was correct.

Commissioner Schwartz asked whether, by changing the General Plan, the Commission was acknowledging that a higher intensity use could be

developed on the property. Mr. Grant agreed that amending the General Plan was recognizing that a higher density is appropriate. However, this is conditional on stipulations with the zoning, which can keep the density at less than the maximum for the district. Ms. Bronski added that if the zoning change is not approved, the site could be developed under the current zoning. Any zoning change would have to conform with the new General Plan designation.

Mr. Ward presented the case per the staff packet, noting that this case is an identical scenario to the previous case. The issues of concern are proximity to WestWorld, proximity to the master planned communities, the Verde Canal, and traffic. Staff recommends approval of the application.

Commissioner Heitel expressed concerns about protecting WestWorld, noting that this site may be of use to WestWorld in the future.

Commissioner Schwartz expressed doubt that home buyers would be effectively advised of the potential nuisance issues before they had made the decision to purchase.

Mr. Niemic addressed the issue on behalf of the Applicants. Ms. McCammon reported that the neighborhood had been given the choice between light industrial or higher density residential. Had the City been in a position to take the land for WestWorld and provide buffering, that would have been the ideal situation. Other amenities planned or under consideration in the vicinity include an aquatic center, a library, and the possible expansion of WestWorld.

Commissioner Barnett queried the option developing office space on the parcel. Ms. McCammon argued that although the neighborhood would welcome this type of project, the option is not economically viable. Commissioner Barnett noted that the Commission does not concern itself with economic questions and acknowledged that creating a site plan that would give the developer the desired density will be a challenge.

Commissioner Schwartz noted that the requested change could potentially allow for a maximum of 314 units. He noted that there is only one ingress/egress point to the parcel, on McDowell Mountain Ranch Road. Ms. McCammon remarked that had any other options been offered, the neighbors would have pursued them.

Mr. Hrenchir noted that the community has rallied behind low-density residential as a preferable alternative to the additional suggested uses of the property. There have been many meetings and negotiations. The community supported a density of 10 to 12 units per acre. Now that the State lands have been added to the property, the neighbors do not agree

with the potential total of 314 units. Traffic is a major concern. Ideally, this property would best serve as a buffer zone between WestWorld and the neighborhood, or as light industrial offices.

In response to a question by Vice-Chairman Steinberg regarding control of the State land parcel, Mr. Niemic explained that the State has authorized Mr. Bell to take the State land parcel through the General Plan amendment. Vice-Chairman Steinberg stated that the transition from WestWorld troubled him.

Commissioner Steinke asked if staff is aware of the letter of authorization with respect to the State lands. Mr. Grant said the Applicant is authorized to represent the State lands in the current General Plan amendment request. The land is expected to be auctioned within a few months.

Commissioner Steinke commented that it seemed as if plans were being made for property that the Applicant does not own. Mr. Grant explained that staff had looked at the most appropriate designation for the property from the land use perspective and had considered what type of buffering was permissible under the zoning to mitigate complaints from future residents. Office or urban residential would be suitable designations and give plenty of flexibility.

Commissioner Barnett inquired as to the urban neighborhood designation and questioned what would happen if the General Plan amendment is approved and if the State lands were auctioned to the City for incorporation into WestWorld.

Mr. Grant explained that such an occurrence would require an amendment to the WestWorld master plan. The General Plan would not need to be amended a second time under that scenario.

Commissioner Schwartz reiterated previous statements and opined that this type of use is inappropriate next to WestWorld.

Commissioner Heitel noted that even at ten units per acre this would be a dense development. He was surprised that the management of WestWorld had not provided input. He will not support the application.

Vice-Chairman Steinberg agreed with Commissioner Heitel, stating that the ideal scenario would be to incorporate all of the land into WestWorld. Office space would be an acceptable alternative as the traffic would not conflict with events held at WestWorld. Residential is a non-compatible use for the site.

Commissioner Steinke reiterated that this is a troublesome site. The State land question makes the issue even more complicated. He cannot support the General Plan as proposed.

Commissioner Barnett requested confirmation of permissible uses under the urban neighborhood designation. Mr. Grant explained that the urban neighborhood designation is a multi-family residential district with a range of between 8 and 23 units per acre.

Chairman Gulino queried the effects of the PCD overlay on the northern part of the property. Mr. Grant explained that PCD allows some flexibility in the overall planning of the total parcel. A parcel can be included in the PCD without amending the standards. The PCD does not apply to the State land.

Chairman Gulino expressed concern regarding the logistics. He expressed no problem with high-density residential on the parcels, but would not likely support 20 units to the acre. He added that the decisions can be handled through the zoning case.

Chairman Gulino noted the positive recommendation on Equestria Villas and opined that the decisions should be consistent. He requested that the Commission consider the point and expressed support for a recommendation for approval of the General Plan amendment as presented.

Commissioner Heitel noted appreciation for consistency, but there are differences between the two cases. He recommended not approving the present case under discussion.

COMMISSIONER HEITEL MADE A MOTION TO DENY 12-GP-2005 (WINSTAR PRO). COMMISSIONER SCHWARTZ SECONDED THE MOTION. THE MOTION CARRIED WITH A VOTE OF 6 (SIX) TO 1 (ONE). CHAIRMAN GULINO DISSENTED.

10-GP-2005 (Equestria Villas)

Commissioner Barnett requested that vote for the previous matter, 10-GP-2005 (Equestria Villas) be reconsidered. Ms. Bronski indicated that reconsideration would be in order.

COMMISSIONER BARNETT MADE A MOTION TO RECONSIDER 10-GP-2005 (EQUESTRIA VILLAS). VICE-CHAIRMAN STEINBERG SECONDED THE MOTION, WHICH CARRIED WITH A VOTE OF 4 (FOUR) TO 3 (THREE). CHAIRMAN GULINO, COMMISSIONER HESS AND COMMISSIONER HEITEL DISSENTED.

Chairman Gulino explained that the issue had arisen on whether or not the high-density residential urban neighborhood is really appropriate for the parcel. Six out of seven Commissioners feel that for the parcel to the west of Equestria Villas, Winstar Pro, this would not be appropriate. Some Commissioners feel that this would also be inappropriate for Equestria Villas. He invited Commission members to air their concerns and ask questions of the Applicant.

Commissioner Schwartz said his concern with all vacant sites in the area is how to use it to complement WestWorld. People may not be fully aware of the impact of WestWorld on their home until they are living there. He foresaw future complaints that would be directed to the City. Traffic congestion was another major concern with this project.

Commissioner Steinke said the two contiguous parcels, Equestria Villas and Winstar Pro, are interrelated, even though there are two applicants. This is a General Plan amendment. Considering the Winstar Pro parcel made it much clearer that there should be continuity between the two parcels.

Commissioner Barnett apologized for the confusion. He stated that he had been under the impression that service residential could be located there at the time of the zoning hearing. He commented that although contiguous, there are two separate parcels with two different owners. He had no particular problem if they were zoned differently or treated differently on the General Plan. He will change his vote to a "no" vote on the General Plan amendment. He feels that this parcel will not work as residential because of the proximity to WestWorld. He would like to see service residential on that land. Staff have explained that the General Plan application does not allow for that land use.

Commissioner Heitel said he did not disagree with the comments of the other Commissioners. He never intended to support the Applicant's request for 20 units per acre. If this comes up in the zoning case the Commission would be strongly opposed to anything approaching that density. The Verde Canal should be left in its current location and not realigned. That would allow for 30 units on 4 acres of land at a density of 8 units to the acre, which would be an appropriate land use.

Commissioner Hess concurred with Commissioner Heitel's remarks.

Vice-Chairman Steinberg agreed that reconsidering was the right approach to keep consistency in the area and to avoid future conflicts which he foresaw.

APPROVED

Chairman Gulino noted he would reserve his comments.

Mr. Thomas addressed the meeting on behalf of the Applicant. He noted that the 400-unit Dakota Apartments are right across the street to his property. Staff had estimated a total of 10 complaints about WestWorld per year and he was not aware of any from the Dakota Apartments. The property is far east of the entertainment center of WestWorld. He noted numerous other properties surrounding WestWorld which are zoned R-5 like the Dakota Apartments. His property is not contiguous to WestWorld and the Winstar Pro property would provide a buffer for his property. The two applications are completely separate and he feels that his property should stand alone. They are not involved with the other developer nor with the State land parcel.

Chairman Gulino expressed feeling the need to be consistent on the two applications. He feels that either service residential or residential would be fine in this area. He leans towards residential, however, because of his observation of the market. It is not the Commission's place to attempt to predict the market. There is a lot of vacant office space already available. Residential would likely be a more viable use. Some residents may choose to live near WestWorld. He would support a recommendation for approval of the General Plan amendment.

Mr. Thomas asked to be allowed to speak again. He said in 2003 the City had approached them to put light industrial on the property, such as office-warehouse. No heavy truck traffic would have been involved. This would have potentially provided a buffer to WestWorld. They felt this would have worked well. R-5 was also discussed at that time and office as well. Offices would allay the neighbors' concerns about trucks and not generate complaints about WestWorld. However, this is not a good office site. All the local developers had unanimously told the owners the same thing. He believes there is easy transition, which is the properties to the west. The City has previously approached the owners to buy the property. An appraisal is currently in progress. The application should stand on its own.

Ms. Bronski remarked that this discussion was out of order. The Commission cannot, in any way, take into consideration any possible negotiations between the City and the owners. Chairman Gulino requested that Mr. Thomas refrain from mentioning this topic again.

Mr. Thomas said that in 2003, the compromise solution was to have residential on the site. Chairman Gulino thanked him for his input.

APPROVED

Commissioner Steinke asked why the zoning portion of the two cases is continued. Mr. Thomas said staff had told him there were issues with the Verde Canal.

Mr. Ward reported that that the primary reason for the delay was the concern with McDowell Mountain Ranch and Horsemen's Park with respect to the issues raised by Ms. McCammon about density and height. He acknowledged that the Verde Canal and overall circulation were other issues. Staff is seeking an overall design solution that will work for both property owners.

Chairman Gulino reminded the Commission that the decision before them is: commercial versus residential.

COMMISSIONER SCHWARTZ MADE A MOTION TO DENY CASE 10-GP-2005 (EQUESTRIA VILLAS). COMMISSIONER BARNETT SECONDED THE MOTION, WHICH CARRIED WITH A VOTE OF 4 (FOUR) TO 3 (THREE). CHAIRMAN GULINO AND COMMISSIONERS HESS AND HEITEL DISSENTED.

16. 13-ZN-2005 (Winstar Pro)

Chairman Gulino noted this item has been continued to a future date, pursuant to a previous motion.

17. 11-GP-2005 (Windmill Pass)

Ms. Wauwie presented the case per the staff packet. The Applicant requests a General Plan amendment from suburban residential to minor office land use designation. The proposed General Plan amendment would facilitate a change for the developer's desire for office development.

In considering this application, staff considered land use balance, economic vitality, open space preservation, community mobility. Staff recommends approval of the General Plan amendment.

Mr. West appeared on behalf of the Applicant. He noted that this matter was previously discussed at a remote hearing. The existing homes on the property were built over several years, the oldest dating to the 1920s. The current project satisfies the scenic corridor requirements and he believes are in accordance with the character of the surrounding neighborhood.

In response to questions by Commissioner Heitel relating to parking, Mr. West indicated that the most recent site plan provides for 236 spaces.

Commissioner Heitel expressed concerns about traffic on the curve with a single entrance and exit on a two-lane road with no shoulders and inquired as to the timing of the traffic study. Mr. West reported that the proposal calls for dual left-turn lanes, which would allow eastbound traffic to go north on Stagecoach and westbound traffic to turn into the project. The traffic study was completed in August.

Commissioner Heitel noted the impact school busses have on traffic. The Commission needs to meet the challenge of accommodating development and having roads that can handle the traffic. He felt the current capacity of the road and the curve will produce a bottleneck. Mr. West opined that future community facilities, including a hospital and a junior college, will necessitate widening the road in approximately eight to ten years. He added that about 7,000 houses remain to be built in north Scottsdale and about 1,000 in Carefree. About 12 percent of the traffic at this site is truck traffic. He estimated that between 3,000 and 4,000 construction-related vehicles pass the site per day. As the area is built out, construction traffic will drop off and offset the traffic to the project and homes. Automobile traffic, however, puts less stress on the road structure.

Vice-Chairman Steinberg confirmed that there is only one access point to the project and commented that making left-hand turns out of the project in the evening rush hour would be problematic. His observation is that new medical developments are providing at least five parking spaces per 1,000 feet. This would equate to 250 parking spaces for the medical alone. He felt that it would be preferable to have an entry point at each end of the development rather than just one in the middle.

Mr. Robert Berry addressed the Commission, expressing strong opposition to the project.

Mr. Jensen addressed the meeting, expressing favor approval of the General Plan amendment.

Ms. Christman, a Terravita resident, addressed the meeting, expressing opposition to the General Plan amendment.

Mr. Kettle, a Scottsdale resident, addressed the meeting on behalf of the board of directors of the Coalition of Pinnacle Peak. The Coalition is opposed to this General Plan amendment. Mr. Buckley, a Realtor and Terravita resident, said people bought on Nightingale Star Circle, just below the wash area, to enjoy views of Carefree and Cave Creek. He was opposed to the amendment, saying it could affect the property values.

Mr. Gruner is one of the 24 property owners whose backyards face the proposed Windmill Pass development. Mr. Gruner stated that all of the property owners are against the change.

Mr. West addressed the meeting, reiterating topics and issues previously addressed.

Commissioner Barnett acknowledged the concerns expressed regarding the views, traffic and flooding and noted that under the SR designation, the building heights are lower than the height of houses that could be built there. Furthermore, the site is not the cause of the traffic problems. He opined that existing regulations will be capable of dealing with the wash issues. He noted that the current plan is 240 feet away from the nearest house. The neighborhood to the south is more dense than the proposed development. He is in favor of the SR designation.

Commissioner Heitel said it has never been the Commission's obligation to provide open space to residents by prohibiting development on other people's property. He expressed strong concerns regarding traffic. The neighborhood is residential in character and this use is not in character. He is firmly opposed to the amendment.

In response to questions by Chairman Gulino regarding future plans for Carefree Highway, Ms. O'Connor reported that it is to be a four-lane cross-section with a center turn lane. There are no current plans to put signal lights at the intersection of Stagecoach Pass. Carefree Highway is included in Proposition 400 funding.

Chairman Gulino stated no objection to SR commercial on the site and opined that the development that takes place on the site will need to deal with the serious constraints regarding the wash and the traffic. He supports the request to change the General Plan to commercial with the caveat that the Commission will need to pay very close attention to the zoning case.

Commissioner Steinke commented that although the expectation had been that both the General Plan amendment requests and their related zoning cases would be heard at the same time, the discussions at this meeting illustrated the challenges involved in doing this. It is very uncomfortable for the Commission to discuss General Plan cases and make a unified decision based on what they think is going to be there and what the applicants are asking for. He would encourage that the related cases be heard at the same meeting wherever legally possible.

COMMISSIONER SCHWARTZ MADE A MOTION TO APPROVE 11-GP-2005 (Windmill Pass). COMMISSIONER STEINKE SECONDED THE

**MOTION, WHICH CARRIED WITH A VOTE OF 4 (FOUR) TO 2 (TWO).
VICE-CHAIRMAN STEINBERG AND COMMISSIONER HEITEL
DISSENTED. COMMISSIONER HESS RECUSED.**

18. 20-ZN-2005 (Windmill Pass)

Chairman Gulino noted this item has been continued to a future date,
pursuant to a previous motion.

WRITTEN COMMUNICATION

No written communications were presented to the Commission.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale
Planning Commission adjourned at 9:22 p.m.

Respectfully submitted,
A-V Tronics, Inc.

APPROVED